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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME OF METHODS OF WORK OF THE COMMISSION

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Note by the High Commissioner for Human Rights

1. The special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme held a meeting at Geneva from 29 to 31 May 1995, in accordance with the request contained in the Vienna Declaration and Programme of Action (Part II, para. 95).

2. The High Commissioner for Human Rights has the honour to transmit to the members of the Commission on Human Rights the report of that meeting.

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ANNEX

Report on the meeting of special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme

Geneva, 29 - 31 May 1995

Rapporteur: Mr. Nigel Rodley

CONTENTS

	Paragraphs	Page
Introduction	1 - 14	3
I. SUMMARY OF DISCUSSION	15 - 61	5
II. RECOMMENDATIONS	62 - 74	16
Appendix: List of participants		19

Introduction

1. The meeting was organized as a follow-up to the World Conference on Human Rights and to the first meeting of special rapporteurs/representatives/experts and chairmen of working groups of the special procedures and the advisory services programme of the Commission on Human Rights, which was held at the end of May 1994. The Vienna Declaration and Programme of Action, in its section entitled "Implementation and monitoring methods", underlined "the importance of preserving and strengthening the system of special procedures" and specified that "the procedures and mechanisms should be enabled to harmonize and rationalize their work through periodic meetings" (Part II, para. 95).

2. Prior to the adoption of the Vienna Declaration and Programme of Action, an informal meeting of special rapporteurs/representatives/experts and chairmen of working groups of the special procedures was held at Geneva during the preparatory process leading to the World Conference on Human Rights. During the World Conference, a second informal meeting was held at Vienna, to which the special rapporteurs/representatives/experts and chairmen of working groups of the special procedures contributed a joint declaration (A/CONF.157/9).

3. The first meeting of special rapporteurs/representatives/experts and chairmen of working groups of the special procedures following the World Conference on Human Rights was organized at Geneva from 30 May to 1 June 1994. In so far as independent experts of the advisory services programme were viewed to be faced with very similar situations to those of the special procedures and, indeed, at least two experts of the advisory services programme were charged explicitly with fact-finding tasks, these experts also participated in the meeting. The participants adopted a report containing a summary of their discussions and a list of their recommendations (E/CN.4/1995/5, annex).

4. At the present meeting, the two independent experts appointed under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 were also invited to participate in so far as their mandates are essentially the same as those of the independent experts of the special procedures, except that the experts appointed under the 1503 procedure report confidentially to the Commission on Human Rights.

5. The meeting had before it annotations to the provisional agenda prepared by the secretariat. It also had before it an informal working paper submitted by Mr. Michael Kirby. During the meeting, Mr. Bacre Waly Ndiaye also circulated an informal working paper.

6. The list of participants at the meeting is provided in appendix I.

7. In the absence of a specific budgetary allocation by the legislative authorities to facilitate the meeting, the independent experts were invited to combine their attendance with consultations at Geneva provided for in their respective mandates.

8. In order to make possible a more direct exchange of views between participants and the Commission on Human Rights, in particular its officers, the Chairman of the fifty-first session of the Commission, Mr. Musa bin Hitam, was invited to address the meeting and to participate in its proceedings.

9. The meeting was opened with an address by the High Commissioner for Human Rights, followed by an address by the Assistant Secretary-General for Human Rights. The Chairman of the fifty-first Commission also addressed the participants before their consideration of agenda items. The full texts of the statements of the High Commissioner and the Assistant Secretary-General are reproduced in an addendum to the present report.

10. In his address, the High Commissioner for Human Rights emphasized again the importance of the participants' work as a main pillar of the implementation of human rights in practical terms. He described the various steps he had taken in the previous year to support the participants in their work and to cooperate with them to further effective protection and promotion of human rights throughout the world. He also outlined some of his broader activities of interest to the participants, both in terms of their fuller appreciation of steps being taken elsewhere in the wider United Nations system of human rights protection and in terms of new possibilities that were being developed or explored in which participants might have input or from which they might derive benefit in their work.

11. The Assistant Secretary-General for Human Rights, in his address, focused on several practical matters of concern to participants, in particular the United Nations recommendations regarding timely submission, translation and circulation of reports. He also touched upon other administrative issues which had in the past been of concern to the participants and the Commission in relation to reconciliation of the substantive treatment of reports with practical limitations on available time and resources. The Assistant Secretary-General provided information regarding various steps which had been taken to resolve some persistent practical problems and to facilitate the work of the participants.

12. The Chairman of the fifty-first session of the Commission on Human Rights addressed the meeting in an effort to improve direct communications between the Commission (through its officers) and the participants. He outlined some of the practical considerations the Bureau had discussed, following the fifty-first session of the Commission, with a view to improving the treatment of the participants' reports. Specifically, he referred to the decision of the officers of the fifty-first session to convey to the officers of the fifty-second session the suggestions, inter alia, that participants should all introduce their reports to the Commission at its next session during the same week (preferably the first week of the Commission) and that allotted speaking times should be reduced. He also recalled the need for timely submission of reports and respect for the limits established for their length.

13. The meeting adopted the following agenda.

1. Opening of the meeting by the High Commissioner for Human Rights (addresses by the High Commissioner, the Assistant Secretary-General for Human Rights, and the Chairman of the fifty-first session of the Commission on Human Rights).

2. Adoption of the provisional agenda.

3. Election of a Chairman and a Rapporteur.

4. Review of items addressed at the first meeting of special rapporteurs/representatives/experts.

5. Cooperation with the High Commissioner for Human Rights.

6. Working relations with the Commission on Human Rights.

7. Coordination of extra-conventional mechanisms, with particular emphasis on implementation of additional thematic resolutions adopted by the Commission.

8. Integrating the human rights of women.

9. Question of resources and administration.

10. Question of restructuring the Centre for Human Rights.

11. Other questions.

12. Consideration and adoption of the report of the meeting.

14. Mr. Ivan Tosevski was again elected Chairperson and Mr. Nigel Rodley was again elected Rapporteur.

I. SUMMARY OF DISCUSSION

Agenda item 4

Review of items addressed at the first meeting of special rapporteurs/representatives/experts

15. The participants recalled the recommendations made at their meeting in 1994 (E/CN.4/1995/5, para. 26), which are summarized as follows:

(a) Participants should seek to avoid unnecessary duplication, should enhance cooperation between themselves, and should aim to cooperate and coordinate with the office of the High Commissioner for Human Rights;

(b) Participants should be provided with a manual or, in any event, guidelines concerning, inter alia, how the system of special procedures works;

(c) The Commission on Human Rights should consider ways and means to enhance the activity of participants during the sessions of the Commission;

(d) The annual sessions of the Commission should be postponed for two to three months as a means of overcoming problems relating to the timely submission, processing, translation and distribution of participants' reports;

(e) Support extended by United Nations field offices to participants on mission should be substantially enhanced, while field operations should be generally expanded with deployment of appropriately trained personnel;

(f) Participants looked forward to the support offered by the High Commissioner for Human Rights in seeking means to follow up their recommendations more effectively;

(g) Technology and facilities should be made available to make participants' work more accessible to the world at large;

(h) Participants appealed to non-governmental organizations to continue providing them with relevant information and ideas; and

(i) Participants urgently appealed to the Secretary-General and the responsible organs of the United Nations to devote to the cause of human rights a budgetary priority commensurate with its needs and with the increasing role it plays in the implementation of the objectives of the United Nations.

16. Through the annotations to the provisional agenda prepared by the Secretariat, as reiterated in the addresses of the High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights, participants were informed of the following measures taken in relation to their previous recommendations as summarized above.

17. With respect to recommendation (a) concerning coordination of work, the Centre for Human Rights had undertaken to improve the treatment of incoming communications. In particular, a senior staff member had been assigned to coordinate information flows and responses concerning those thematic mechanisms administered by the Special Procedures Branch. In that connection, considerable progress has been made with the assistance of an expert consultant who had been engaged in the development of an electronic database not only to record and channel information to the appropriate thematic mechanisms, but also in regard to country mandates. In the framework of those country mandates assisted by field operations, such as in Rwanda and the former Yugoslavia, large quantities of detailed information on specific incidents and cases were being gathered and recorded in the database. Endeavours were being made to ensure that all information reached all relevant mandates in the appropriate form so that it might be processed according to relevant criteria. The database was currently being tested and it was expected that it would be fully operational in the summer of 1996.

18. With respect to recommendation (b) concerning the preparation of a manual and the provision of guidance for newly appointed independent experts, in addition to making available the texts of human rights instruments, the Centre

was endeavouring to brief new experts fully about the experience acquired under similar mandates, making available a selection of methods of work as adopted under various procedures. Preparation of a manual had so far not been possible owing to the absence of the human resources required for that complex task. If the manual was to be useful, it must take into account the considerable variations between mandates and the authority of interpretation which was the province of each independent expert. None the less, all independent experts were provided at the meeting with copies of the following United Nations publications: Human Rights - A Compilation of International Instruments (two volumes) and United Nations Action in the Field of Human Rights (describing special procedures in paras. 190-223 and 2680-2855, and the advisory services of experts in paras. 2890-2982). In addition, the High Commissioner had initiated consultations with the European Union and academic institutions with a view to generating support for the preparation of the suggested manual and other documents of that nature.

19. With respect to recommendation (c) concerning enhancement of the activity of participants during the sessions of the Commission, public meetings had been organized between several independent experts and non-governmental and governmental representatives in parallel with plenary meetings at the fifty-first session of the Commission. On the whole, those meetings, which had afforded the opportunity for questions and answers and direct exchanges of views, had proved to be very successful. It was the intention of the Secretariat to continue that practice in cooperation with interested experts.

20. With respect to recommendation (d) concerning postponement of the annual session of the Commission, it was to be noted that, in accordance with Commission decision 1995/106, the fifty-second session would be held from 18 March to 26 April 1996, the session thus being postponed by one and a half months.

21. With respect to recommendation (e) concerning expansion of field activities, several new field operations had been undertaken or initiated by the High Commissioner for Human Rights, thereby contributing a major new dimension to the promotion and protection activities of the United Nations in the field of human rights.

22. With respect to recommendation (g) concerning improvements in the presentation of findings and improvements in the publicity given to the work of independent experts, the Commission had taken into account, inter alia, the May 1994 recommendation of the participants in requesting the Secretary-General, in paragraph 14 of its resolution 1995/87 entitled "Human rights and thematic procedures", to issue annually and sufficiently early their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission. The resulting document should draw the attention of the Commission to the work of at least the thematic procedures in a concentrated fashion. With regard to efforts to draw the fuller attention of the media to the work of the participants, it was clear that much more could be done to obtain wider dissemination of reports and findings.

23. With respect to recommendation (h) concerning relations with, and support for, non-governmental human rights organizations, most mechanisms had established fruitful working relations with concerned NGOs. Those relations were maintained through constant contacts between staff assisting independent experts and NGO representatives. The High Commissioner for Human Rights had also devoted special attention to fostering relations of partnership with the community of NGOs concerned with human rights issues. In that connection, it was to be noted that the Economic and Social Council would consider in July 1995 applications for consultative status from 78 non-governmental organizations, of which several were concerned principally with human rights. A focal point for NGOs had also been established in the Centre for Human Rights.

24. With respect to recommendation (i) concerning the need for increased human and material resources to support the work of the independent experts, there had been no appreciable increase in the human resources placed at the disposal of independent experts (save for some staff employed on a temporary basis in relation to specific mandates and financed through voluntary contributions) and there had been only a modest increase in material resources in the form of some additional computer equipment. However, computer and office automation services had been generally enhanced at the Centre for Human Rights, particularly by the establishment of a special unit with expert staff and also the retention of an expert consultant for the Special Procedures Branch. In terms of general human resources, a large number of staff had been employed to perform field activities financed mostly from voluntary contributions. In addition, steps had been taken to improve administration within the Centre for Human Rights which, in turn, should improve the support for independent experts and those staff assigned to them. However, the basic problem of generally inadequate human and material resources remained.

25. In the discussion which took place under agenda item 4, general concern was expressed relating to the goal of increasing efficiency and effectiveness and the view put forward that it was crucial to the effectiveness of participants' work that in situ investigations, interventions and recommendations should, at a minimum, be followed up with monitoring. The timely intervention of participants was imperative if the United Nations was to ward off criticism of acting too late. The bureaucracy and the internal procedures of the United Nations had, at times, impeded the work of participants and had relegated their mandates to the status of controlling damage rather than preventing it.

26. It was a general view that the flow of information was not always as rapid and direct as desired. The wish was expressed that efforts should be made to improve the flow of information among participants, as well as between them and the High Commissioner for Human Rights, the treaty bodies, field offices and others. In that connection, several participants expressed appreciation for the effort to develop an electronic database to channel information to the appropriate thematic and country mechanisms. However, the question was raised as to how the Centre for Human Rights planned to ensure that all information reached all relevant mandates in the appropriate form. It was also suggested that representatives of treaty bodies should be present

at future meetings of the participants and that the participants should be represented at the regular meetings of the persons chairing the treaty bodies.

27. In relation to recommendation (a) of 1994, participants observed that, owing to the lack of clear-cut definitions, overlapping between mandates evidently existed. Another issue raised concerned the transboundary character of certain problems to be examined, under country mandates in particular. In such cases, it was suggested that cooperation between mandates, particularly country and thematic, could facilitate the treatment of cases which were transboundary in nature. In that way, efficiency and effectiveness could be served and unnecessary duplication could be avoided.

28. In relation to recommendation (b) of 1994, while expressing understanding for the difficulties encountered in the preparation of a manual owing to the absence of human resources in the Centre for Human Rights, several participants felt that it could be useful as a guide especially for new holders of mandates. Some participants suggested that guidelines should focus on items of practical concern, such as services made available to the independent experts by the United Nations system or criteria applicable to the conduct of working relations with Governments and NGOs, but that such guidelines need not necessarily detail the methods of work, which varied considerably between mandates.

29. With regard to recommendation (d) of 1994, participants expressed appreciation for Commission decision 1995/106 concerning postponement of the fifty-second session of the Commission on Human Rights. Some participants nevertheless expressed the desire for a greater interval between the respective sessions of the General Assembly and the Commission on Human Rights.

30. Turning to recommendations (e) and (f) of 1994, the participants expressed the desire for enhanced participation in field activities. Possibilities should be considered for augmentation of field missions with a view to intensifying contacts between concerned Governments and independent experts. In that regard, it was considered necessary to ensure close consultation and coordination with the High Commissioner for Human Rights and, in particular, to exchange information on planned visits and approaches.

31. Regarding recommendation (g) of 1994, so far as the receipt and handling of information was concerned, participants expressed satisfaction with the prospective linking of the Centre for Human Rights with the INTERNET in view of the importance of the quantity and quality of information involved in their work. On the role of the media, it was emphasized that both print and electronic forms must be utilized to ensure the widest possible dissemination of participants' findings and reports. The use of modern technology was considered to be integral, if not indispensable, to the overall success of the participants' work. Support was expressed for the proposal that participants should prepare "executive summaries" of their reports which could be made available by the Department of Public Information to the media, together with their full reports. It was emphasized that publicizing the work of the United Nations special procedures and advisory services would enhance the overall image of the United Nations.

32. With regard to increasing relations with, and support for, non-governmental human rights organizations, as called for in recommendation (h) of 1994, the participants were of the unanimous opinion that their cooperation with concerned NGOs must be intensified.

33. Finally, regarding recommendation (i) of 1994, concerning the need for increased human and material resources supporting the work of the independent experts, the participants stressed that those resources remained totally inadequate and that budgetary priorities commensurate with the cause of human rights should be established. Regarding available staff resources, the view was expressed that, at a minimum, one staff member should be assigned on a full-time basis to each independent expert.

Agenda item 5

Cooperation with the High Commissioner for Human Rights

34. Keeping in mind the overall authority of the High Commissioner for the protection and promotion of human rights, several participants expressed their appreciation for the information provided on the approach taken by the High Commissioner in the implementation of his mandate in general and, more particularly, for the activities he had so far undertaken and intended to undertake in connection with the participants' activities. Support was expressed for the High Commissioner's efforts to promote a global "culture of human rights" through technical cooperation, advisory services, awareness-raising and educational activities.

35. Expressing concern that there was a need to improve coordination, participants felt that it would be useful if they knew in due time the travel programme of the High Commissioner, as well as major initiatives taken or to be taken by him, inasmuch as such information might influence their own plans and programmes. Systematic consultations prior to and following visits by either independent experts or the High Commissioner were considered advisable. Such coordination would also increase the early warning potential of the mechanisms in combination with the Office of the High Commissioner for Human Rights.

36. It was stated that the participants would appreciate feed-back from the High Commissioner on their own work. In that connection, the question of how the High Commissioner could assist in following up on recommendations made by participants within their mandates was discussed at length. It was agreed that the question of follow-up was of such importance that it should be considered as a separate item on the agenda of the meeting of the participants in 1966. In addition, the secretariat was invited to place before that meeting a compilation of the suggestions submitted by participants on the matter; Mr. Louis Joinet would act as focal point in that respect.

37. It was also suggested that the High Commissioner should ensure that recommendations by the participants regarding advisory services were effectively implemented within the framework of the technical cooperation programme of the Centre for Human Rights. Equally, the High Commissioner

should assist in ensuring the necessary follow-up to proposals regarding standard-setting and other initiatives affecting the human rights programme taken or suggested by participants.

38. One participant pointed to the problem that might arise if participants were requested to act as representatives of the High Commissioner. Given the public character of most of the participants' own mandates, he felt that that could lead to confusion and should therefore be avoided.

Agenda item 6

Working relations with the Commission on Human Rights

39. Owing to the presence of the Chairman of the fifty-first session of the Commission on Human Rights at the meeting, this item was addressed on the first morning so that a direct exchange of views could take place. All participants, including the High Commissioner and the Assistant Secretary-General expressed their satisfaction at having had the opportunity of an open exchange, in which several practical matters of concern were addressed.

40. In response to the addresses presented at the beginning of the meeting, participants stated that, while they did not underestimate the importance of the need to comply with the working procedures of the Commission and the secretariat regarding submission deadlines and reporting limitations, the imposition of severe constraints on their work could jeopardize the effectiveness of their mandates and the integrity of their independence. Owing to the increase in the workload within the mandates assigned to them, the participants were unanimous in their view that greater flexibility was required in relation to the length of reports and that more ample time should be given for their preparation and submission. Participants argued that the 32 page limitation on length and the announced submission deadline of 31 December 1995 would be difficult to comply with in the light of the increasing complexity of the work required of them. It was pointed out that adhering to that rule would create a dilemma because if reports were too short and general concerned Governments could accuse the independent experts concerned of being "dogmatic" and of failing to substantiate findings of fact or justify attributions of responsibility.

41. On further consideration of the reporting rules, it was suggested by several participants that a distinction should be drawn between country mandates and thematic mandates and that the nature of the report should be the ultimate deciding factor for its length. They shared the opinion that thematic mechanisms should be allowed a minimum of 72 pages in which to report. It was unanimously agreed among the participants that flexibility should be the rule when it came to determining the length of any particular report.

42. Another suggestion concerning the length of reports was that, in order to comply with the 32-page rule, it might be advisable to include the bulk of background material in the form of an addendum. However, some participants responded that such a practice could render the background material obsolete or redundant.

43. Regarding the time interval between the 31 December 1995 deadline for submitting reports and the beginning of the fifty-second session of the Commission on Human Rights on 18 March 1996, it was noted by several participants that such a time gap could render their reports outdated since human rights problems were not limited by those artificial dates.

44. It was also mentioned by several participants that the independent experts should introduce their reports to the Commission prior to the debate on the particular report and that the participants should be present during the entire debate.

45. Participants also voiced their concern at time management problems regarding their summoning to meetings, such as the present one at Geneva, or invitations to conduct field missions. Several participants said that that practice had negative consequences on their other professional commitments in their respective countries and, therefore, it was suggested that they should be informed of any planned meeting sufficiently in advance and should also be informed when they were expected to return home.

46. One participant reminded the meeting of the need to respect the right of Governments to due process in responding to the reports of the independent experts. Before criticism could be fairly made, reports submitted to the Commission by the independent experts must be made available to Governments in such a manner as to allow them to digest the material and respond properly.

Agenda item 7

Coordination of extra-conventional mechanisms, with particular emphasis on implementation of additional thematic resolutions adopted by the Commission

47. With regard to thematic resolutions, an expert appointed by the Secretary-General to study the impact of armed conflict on children, Ms. Graça Machel, briefly addressed the meeting to highlight her concerns, explain her method of work and seek cooperation from the participants. After the presentation, participants commented on the importance of sharing the information in their possession which was relevant to other mandates. It was, therefore, suggested that a list of the names, addresses, telephone and fax numbers of all the participants should be updated by the secretariat and circulated among them.

48. With regard to future meetings of special rapporteurs/representatives/ experts and chairmen of working groups of the special procedures and the advisory services programme of the Commission on Human Rights, it was considered desirable by the participants that the chairmanship of future meetings should rotate on a regional basis. The opinion was also expressed that a similar rotation should take place for working groups of special procedures.

49. Regarding thematic mandates, some participants expressed their difficulties in taking into consideration within their mandates the question of human rights and terrorism, as mentioned in Commission resolution 1995/43. Such themes raised conceptual problems. To date, the whole system of

international relations and human rights protection was based on State responsibility. Commission resolution 1995/43 created confusion by also attributing responsibility to terrorist groups or drug-traffickers, in which case, States could avoid their responsibility by using that resolution as an excuse. Such resolutions might also give international status to terrorist groups if participants happened to establish dialogue with them. In order to avoid the problem, it was suggested that the resolution should be looked at from the point of view of the victims rather than that of Governments. It was mentioned that in the course of their duties participants observed abuses perpetrated by parties other than States and that those abuses were not being taken into consideration. In the case of the mandate relating to mercenaries, it was felt necessary to refer to terrorism because some countries hired mercenaries to perpetrate acts of terrorism. It was suggested that, in order to clarify the definition and concept of terrorism and to have an in-depth discussion on the subject, it should be included as an item on the agenda of the next meeting.

Agenda item 8

Integrating the human rights of women

50. Several participants expressed their surprise at seeing item 8 on the agenda. The subject should be addressed under agenda item 7 because the human rights of women should be integrated into all human rights activities, as was mentioned in Part II, paragraph 36 of the Vienna Declaration and Programme of Action. In addition, in the spirit of Commission resolution 1995/86, the question of women should be raised only when the violations were related to the fact that the victims were women.

51. Other participants emphasized the need to pay special attention to women and to include the issue wherever possible in the context of the various mandates. There seemed to be agreement among the participants that there existed a special need to improve human rights mechanisms to protect women against violations. It was also suggested that more could be done through educational activities to raise awareness of the special concerns of women, to promote better respect for their human rights and to act effectively for protection of their rights.

52. Following a request by the High Commissioner for Human Rights to the participants to designate at least two representatives (in addition to the Special Rapporteur on violence against women) to attend the Fourth World Conference on Women, to be held in Beijing from 4 to 15 September 1995, a suggestion was made to designate two independent experts whose mandates were closely related to the special concerns of women. It was agreed unanimously that the Special Rapporteur on the sale of children, child prostitution and child pornography (Ms. Ofelia Calcetas-Santos) and the Special Rapporteur on torture (Mr. Nigel Rodley) would travel to Beijing to attend the Conference.

53. With regard to the nature of the participation of Ms. Calcetas-Santos and Mr. Rodley at the World Conference on Women, a discussion was opened to determine whether the two designated independent experts would travel in their own capacities relating to their specific mandates or as representatives of all the participants. In the latter case, it was felt, it would be necessary

to reach an agreement among all the participants upon a common paper to be delivered during the Conference in Beijing. Given the shortage of time, and the difficulty of arranging meetings to discuss any such common paper, it was agreed unanimously that the two designated independent experts would attend the Conference representing mainly their individual mandates, but that they would also convey to the Conference the above-stated position on the issue of the relationship of the human rights of women to the general human rights mandates of the experts.

Agenda item 9

Question of resources and administration

54. Discussion on the item began with an intervention by one participant who stated that he could not deliver a proper comment on the matter of resources and administration since he did not receive any documentation relating to the subject. That view was supported by another participant, who pointed out that everything relating to resources and administration was kept mysterious, while another participant expressed the view that lack of transparency seemed to be the policy of the United Nations in that domain. Participants wondered why no indication had been given to them of the budget allowed for each mandate. If the budget was a global one for all the mandates, participants expressed the wish to know on what basis the resources were allotted among the mandates. Participants agreed that there was need for clarification regarding the budget for each mandate. To that end, participants requested preparation of documentation in that regard for the meeting in 1996.

55. Participants were unanimous in acknowledging that the Centre for Human Rights was doing its best to assist them in their work, but they realized that the Centre was virtually powerless in budgetary matters. As mentioned by several participants, the power resided in the hands of the United Nations administration, which controlled the money and therefore had an impact on the substance of the participants' work. The suggestion was made by the participants that a small group from among them be nominated to consider the issue of resources and to identify which circle within the United Nations system needed to be addressed in order to obtain a substantive response to those concerns.

56. According to several participants, the fact that the resources available were severely limited and that information was lacking regarding the distribution of those resources among the mandates raised the question of the independence of the participants. Such constraints had consequences on the proper conduct of their mandates since they did not know how many missions they would be able to conduct during the year, whether they would be able to attend conferences in relation to their mandates or what other activities they might reasonably undertake. Human resources to assist them in conducting their missions had also been reduced to the absolute minimum (one staff member per mission).

57. The question of remuneration of the participants, for example by means of honoraria, was raised. The lack of remuneration was felt to have a negative impact on their perceived status, as well as on their material conditions, especially if they had other functions with no fixed income. On the other

hand, there was concern that remuneration could adversely affect the appearance of independence and impartiality of the experts. It was suggested that thought should be given to further discussion of the matter at the meeting in 1996.

58. In addition to the scarcity of budgetary resources, participants mentioned the shortage of human resources, emphasizing that the number of mandates from the Commission which the Centre for Human Rights must service was increasing without any proportional increase in the staff assisting the independent experts. Further, the contractual status of the staff assisting the participants was very often insecure. The staff assigned were temporary, for example associate experts scheduled to leave after two years of employment in the Centre or temporary assistance employed by the Centre, which created discontinuity in the fulfilment of the mandates. Time constraints greatly limited the work of the participants; those constraints could only be overcome by improving capacity to respond to the quantity of work, which, in turn, might facilitate improvements in the quality of work. In that regard, it was suggested that one assistant should be provided for each independent expert. That assistant should be available for a period of time sufficient to guarantee continuity of effective servicing. With regard to staff recruitment, promotion and deployment policies, concern was also expressed that prevailing policies were not always such as to ensure that work was done to the highest standard.

59. In raising the issue of resources and administration, several participants also invoked a general lack of political will to handle the problem adequately. It was mentioned that Member States at the General Assembly were not paying sufficient attention to the work of the Centre for Human Rights as a whole and were using human rights programmes as a facade. Without adequate funding, recommendations made by experts year after year appeared meaningless. It was suggested that participants should join the Secretariat in raising funds for the Centre.

60. The Assistant Secretary-General for Human Rights, in a detailed presentation, outlined the various constraints with regard to financial and personnel resources allocated to the Centre for Human Rights in the regular budget of the United Nations. A recent study by the Centre had indicated that while resources had shrunk, mandates entrusted to the Centre had expanded multifold. Since his appointment in August 1992, the Assistant Secretary-General had attempted to address that problem by bringing it to the attention of the Secretary-General of the United Nations. Through the intervention of the Secretary-General, more office space has been allocated to the Centre and steps taken to redeploy additional posts to the Centre. In view of the insistence of Member States on a zero growth budget, increased resource allocations from the regular budget could only be limited. Because of that situation, the resources available to the Centre were divided between the various branches, depending on their needs. To improve the situation, a work programme and planned management of human and financial resources of the Centre had been implemented. The Centre also depended on recruitment of staff under general temporary assistance and on the help of associate experts supported by direct contributions from Governments for a total time limited to three years. However, those resources were not perennial. The Assistant Secretary-General also underlined that funds currently available from the

Voluntary Fund for Technical Cooperation in the Field of Human Rights could not be utilized under existing rules for purposes other than those pledged by the donors. It was hoped that Member States would be supportive of the Centre's needs and the needs of the United Nations human rights programme in the appropriate forums of the United Nations.

Agenda item 10

Question of restructuring the Centre for Human Rights

61. In the light of the generally discouraging resource situation revealed in the discussion under item 9, and in the absence of a working document on the subject, it was generally felt that no useful contribution could be made at that stage to the question of restructuring the Centre for Human Rights. However, the wish was expressed that the external consultants to be engaged in the process should seek the view of the participants.

II. RECOMMENDATIONS

62. The independence and impartiality of the status of participants as experts needed to be maintained, safeguarded and respected, as an essential element in their contributions to the work of the Commission on Human Rights in protecting human rights. All the following recommendations should be read subject to that essential principle. In particular, guidelines for the relations between participants and Governments and others, especially when participants were on mission, should be developed so as to ensure full compliance with and understanding of that principle. Such guidelines should, if necessary, be issued independently of the induction manual referred to in the report of the participants' first meeting.

63. It was essential that participants had the means of following a procedure that respected "due process", so as to ensure that both Governments and the suppliers of information were given the opportunity of defending their positions.

64. Field offices of the United Nations systems (UNDP, UNHCR, etc.), which already frequently provided essential support to participants' missions, should be encouraged to bear in mind the mandates of other participants when they were in possession of relevant information, especially of an urgent nature.

65. The holders of both country-specific and thematic mandates were invited to bear in mind the importance of sharing information and the possibility of undertaking joint activities wherever appropriate. Information sharing was of particular importance when field monitoring operations had been established. Participants with thematic mandates were invited to bear in mind the information they could provide in respect of cross-border problems touching on the concerns of country-specific mandates.

66. The Secretariat, including the Office of the High Commissioner for Human Rights, should be so organized, and have the necessary procedures, to ensure an even more effective system of information exchange (in addition to the existing systematic use by the High Commissioner for Human Rights of the

participants' recommendations concerning specific countries). That was especially necessary to ensure that there was no unwarranted duplication or conflict between invitations for missions sought or issued or missions undertaken, in respect of the country-specific or thematic mechanisms, of the High Commissioner for Human Rights and of the advisory services programme. The planned newsletter of the High Commissioner should also be a useful step in that direction, and should include advance notice of travel and activities of both the High Commissioner for Human Rights and the participants. It was also important to enhance effective follow-up to each participant's recommendations. Measures also needed to be taken with a view to the harmonization of participants' work with that of other parts of the United Nations system, especially where human rights questions played a role in their objectives. Meanwhile, the High Commissioner for Human Rights was invited to continue and to develop his practice of encouraging cooperation by Governments with participants' mandates.

67. Participants welcomed the scheduling of the fifty-second meeting of the Commission on Human Rights to commence in mid-March 1996. Efforts made with a view to meeting the deadline for submission of participants' regular reports should not prevent important activities, including missions, in the period between 31 December 1995 and the end of the Commission's session. Participants would also, subject to the integral discharge of their mandates, continue to seek to respect requests for limits on the length of reports. Participants also welcomed any moves that would ensure that their reports and activities were made more accessible to all participants in the Commission.

68. Despite the efforts that had been made to integrate in participants' reports consideration of specific themes, more assistance would need to be provided before that could be done systematically.

69. With respect of the theme of the human rights of women, participants understand that Commission resolution 1995/86, paragraph 1, requires that they treat human rights as equally applicable to men and women: human rights violations against women were simply human rights violations. Where, however, such violations were directed against women in their status as such - as was all too often the case - then such violations deserved special attention. Responding to the request of the High Commissioner for Human Rights, the meeting designated Ms. Ofelia Calcetas-Santos and Mr. Nigel Rodley, on the basis of the special relevance of their mandates, as the recommended participants to be invited to accompany Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, to the Fourth World Conference on Women.

70. The meeting continued to regret the scarcity of resources allotted for the protection of human rights. That situation was even more disturbing in the light of the widening discrepancy between real growth (if any) in Secretariat resources and the exponential growth in mandates requiring Secretariat servicing. There should be greater administrative and technical support for participants' activities, including travel and substantive work. The devoted work of many staff members notwithstanding, that problem, manifested in the decisions of both the high administrative authorities of the Secretariat and the Fifth Committee of the General Assembly, damaged the efficacy and professionalism of participants' work and had a corrosive effect

on the image of the Organization. Therefore, a group of participants should be chosen to study budgetary questions with a view to making proposals to the next meeting of the participants. In that connection, the participants welcomed the commitment undertaken by the Assistant Secretary-General for Human Rights to provide participants with more information concerning budgetary matters.

71. The meeting would welcome its participants being consulted by the external consultants commissioned to review the structure of the Centre for Human Rights.

72. The agenda of the next meeting should include items on:

Assessment of progress made in achieving the mandated objectives;

Procedures for ensuring implementation of, and follow-up to, participants' recommendations;

The problem of the relationship between terrorist activities and human rights in the context of participants' mandates;

Budgetary questions.

73. The meeting would welcome the participation at its next session of a representative of the meeting of the chairpersons of treaty bodies, and the opportunity to be represented at the next session of the latter meeting.

74. The next meeting of special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme would take place at the United Nations Office at Geneva from 28 to 30 May 1996.

Appendix

LIST OF PARTICIPANTS

Mr. A. Amor	Special Rapporteur on the elimination of all forms of religious intolerance and of discrimination based on religion or belief
Mr. E. Bernales-Ballesteros	Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination
Mr. G. Bíró	Special Rapporteur on the situation of human rights in the Sudan
Ms. O. Calcetas-Santos	Special Rapporteur on the sale of children, child prostitution and child pornography
Ms. R. Coomaraswamy	Special Rapporteur on violence against women, its causes and consequences
Mr. P. Cumaraswamy	Special Rapporteur on the independence of judges and lawyers
Mr. R. Degni-Ségui	Special Rapporteur on the situation of human rights in Rwanda
Mr. F. Deng	Representative of the Secretary-General on internally displaced persons
Mr. R. Garretón	Special Rapporteur on the situation of human rights in Zaire
Mr. M. Glèlè-Ahanhanzo	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
Mr. C.J. Groth	Special Rapporteur on the situation of human rights in Cuba
Mr. H. Halinen	Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967
Mr. A. Hussain	Special Rapporteur on freedom of opinion and expression
Mr. L. Joinet	Chairman, Working Group on Arbitrary Detention

Mr. M.D. Kirby	Special Representative of the Secretary-General for human rights in Cambodia
Ms. F.Z. Ksentini	Special Rapporteur on the effects of toxic and dangerous products on the enjoymemt of human rights
Mr. B.W. N'diaye	Special Rapporteur on extrajudicial, summary or arbitrary executions
Ms. M'B. N'Doure	Independent expert on the situation of human rights in Chad
Mr. Choong-Hyun Paik	Special Rapporteur on the situation of human rights in Afghanistan
Mr. P.S. Pinheiro	Special Rapporteur on the situation of human rights in Burundi
Ms. M. Pinto	Independent expert on the situation of human rights in Guatemala
Mr. N. Rodley	Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment
Mr. H. Templeton	Independent expert on the situation of human rights in Armenia and Azerbaijan
Mr. I. Tosevski	Chairman, Working Group on Enforced or Involuntary Disappearances
Mr. M. van der Stoel	Special Rapporteur on the situation of human rights in Iraq
Mr. Y. Yakota	Special Rapporteur on the situation of human rights in Myanmar

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